



Monday
May 8, 1995

Part LXIV

Resolution Trust Corporation

Semiannual Regulatory Agenda

RESOLUTION TRUST CORPORATION (RTC)

RESOLUTION TRUST CORPORATION

12 CFR Ch. III

Semiannual Agenda of Regulations

AGENCY: Resolution Trust Corporation.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The Resolution Trust Corporation (RTC) is hereby publishing items for the April 1995 regulatory agenda. The agenda contains information about the RTC's current and completed rulemakings.

FOR FURTHER INFORMATION CONTACT: Persons identified under regulations listed in the agenda. Except as

indicated, the address for all staff identified in the agenda is Resolution Trust Corporation, 801 17th Street NW., Washington, DC 20434-0001.

SUPPLEMENTARY INFORMATION: The RTC was created on August 9, 1989, as an instrumentality of the United States by title V of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA). Under FIRREA, the RTC was given powers to adopt such rules, regulations, standard policies, procedures, guidelines, and statements as the Corporation considers necessary or appropriate to carry out its mission. Twice each year, the RTC publishes an agenda of regulations to inform the public of its regulatory actions and to

enhance public participation in the rulemaking process. Publication of the agenda is in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Interested persons may petition the RTC for the issuance, amendment, or repeal of any regulations by submitting a written petition to the Secretary, Resolution Trust Corporation, Washington, DC 20434. Petitioners should include complete and concise statements of their interest in the subject matter and why the petitions should be granted.

Dated: February 23, 1995.

Resolution Trust Corporation.

John M. Buckley, Jr.,
Secretary.

RESOLUTION TRUST CORPORATION (RTC)

Final Rule Stage

5027. EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: 12 USC 1441a(n)(2); EO 12674; EO 12731

CFR Citation: 12 CFR 1605

Legal Deadline: None

Abstract: The Resolution Trust Corporation (RTC) has determined to follow the Office of Government Ethics Regulations (OGE) on Confidential and Public Financial Disclosure, Standards of Conduct and Post-Employment Rules as applied to Federal Employees. This action revokes those sections of the RTC's regulation on Employee Responsibilities and Conduct, which would conflict with or be superseded by the OGE Regulations and reaffirms those sections not in conflict with or superseded by the OGE Regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/12/93	58 FR 8220
Interim Final Rule Effective	02/12/93	58 FR 8220
Interim Final Rule Comment Period End	03/15/93	58 FR 8220
Final Action	04/00/95	
Final Action Effective	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Upon OGE approval and publication of the RTC's supplemental standards of conduct regulations, 12 CFR 1605 will be

deleted. The RTC's supplemental standards of conduct regulations will be published using OGE's numbering found in Title 5. These regulations were to have been approved by February 3, 1994. However, OGE has since grandfathered all agencies previous regulations until they can be approved under Title 5. The RTC's Supplemental Standards of Conduct regulations which will be found at 5 CFR 7401 can not be approved until OGE approves the FDIC's supplemental standards of conduct regulations. Since OGE grandfathered the agency's regulations, the FDIC's supplemental regulation has become a low priority. RTC submitted its draft supplement standards regulation to OGE on January 9, 1995. It is our understanding that OGE is going to extend the period to publish supplemental standards regulations through December 31, 1995 which will coincide with the sunset of the RTC. 12 CFR 1605 as amended will remain in effect through then unless OGE takes up approval of our draft 5 CFR 7401.

Agency Contact: Donald L. Rosholt, Employee Ethics Program Manager, Resolution Trust Corporation, 801 17th St. NW., Washington, DC 20434, 202 416-6952

RIN: 3205-AA20

5028. CLAIMS BASED UPON ACTS OR OMISSIONS OF THE RECEIVER

Legal Authority: 12 USC 1441a(b)(4)(A); 12 USC 1441a(b)(11)(A); 12 USC 1821(d)(1); 12 USC 1821(d)(3)(A); 12 USC 1821(d)(4)(A)

CFR Citation: 12 CFR 1635

Legal Deadline: None

Abstract: The RTC is proposing to adopt a rule setting forth procedures applicable to administrative claims based upon acts or omissions of the RTC as receiver. The rule is needed to inform potential claimants of the circumstances under which the RTC will consider claims based upon acts or omissions of the receiver to be timely filed and to clarify when suit may be filed on these claims. The rule will thus inform and remind potential claimants of the deadlines applicable to claims and suits based upon acts or omissions of receivers.

Timetable:

Action	Date	FR Cite
Proposed Rule	09/22/94	59 FR 48577
Proposed Rule Comment Period End	10/24/94	59 FR 48577
Final Action	06/00/95	
Final Action Effective	07/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Munsell St. Clair, Counsel, Resolution Trust Corporation,

RTC

Final Rule Stage

801 17th Street NW., Washington, DC
20434, **202 736-3034**

RIN: 3205-AA24

RESOLUTION TRUST CORPORATION (RTC)

Completed/Longterm Actions

5029. AFFORDABLE HOUSING DISPOSITION PROGRAM

Legal Authority: 12 USC 1441a(c)

CFR Citation: 12 CFR 1609

Legal Deadline: None

Abstract: This regulation will amend the existing regulation to conform it to the recently enacted amendments to the Federal Home Loan Bank Act (the RTC Completion Act). In addition, the regulation will clarify and resolve some outstanding issues relating to the marketing and sale of affordable housing properties.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/06/92	57 FR 19500
Interim Final Rule Effective	05/06/92	57 FR 19500
Interim Final Rule Comment Period End	07/06/92	57 FR 19500
Second Interim Final Rule	10/19/94	59 FR 52669
Final Action	12/13/94	59 FR 64111

Small Entities Affected: Organizations

Government Levels Affected: State, Local

Agency Contact: Barry Wides, Deputy Director, Affordable Housing and Disposition Program, Resolution Trust Corporation, 801 17th St. NW., Washington, DC 20434, **202 416-7138**

RIN: 3205-AA03

5030. MINORITY- AND WOMEN-OWNED BUSINESS AND LAW FIRM PROGRAM

Legal Authority: 12 USC 1833e

CFR Citation: 12 CFR 1617

Legal Deadline: None

Abstract: The regulation augments the RTC's existing outreach program which ensures the inclusion of minorities and women and entities owned by minorities and women in RTC contracting to the maximum extent possible by meeting the mandates in RRIA and the RTCCA.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/10/92	56 FR 40484
Interim Final Rule Effective	08/10/92	56 FR 40484
Interim Final Rule Comment Period End	10/09/92	56 FR 40484
Final Action	02/08/95	60 FR 7660
Final Action Effective	02/08/95	60 FR 7660

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Johnnie B. Booker, Vice President, Division of Minority and Women's Programs, Resolution Trust Corporation, 801 17th St. NW., Washington, DC 20434, **202 416-6925**

RIN: 3205-AA08

5031. SUSPENSION AND EXCLUSION OF REGISTERED CONTRACTORS AND RESCISSION OF CONTRACTS

Legal Authority: 12 USC 1441a(b)(10); 12 USC 1441a(b)(12); 12 USC 1441a(p)

CFR Citation: 12 CFR 1618

Legal Deadline: None

Abstract: This regulation will provide for suspension and exclusion of registered contractors and rescission of contracts where contractor has engaged in various forms of misconduct.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/05/91	56 FR 30836
Interim Final Rule Effective	07/05/91	56 FR 30836
Final Action	07/05/91	56 FR 30836
Final Action Effective	07/05/91	56 FR 30836
Interim Final Rule Comment Period End	10/30/91	56 FR 30836

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Martin Blumenthal, Contractor Ethics Program Manager, Resolution Trust Corporation, 801 17th St. NW., Washington, DC 20434, **202 416-2029**

RIN: 3205-AA09

5032. MARKETING AND SELLING REAL PROPERTY ON AN INDIVIDUAL BASIS AND DISPOSITION OF REAL ESTATE-RELATED ASSETS

Legal Authority: 12 USC 1441a(w)(2); 12 USC 1441a(w)(3); PL 103-204, Sec 3(a)

CFR Citation: 12 CFR 1640

Legal Deadline: None

Abstract: RTC is adopting asset marketing regulations required by the RTC Completion Act. Specifically, the regulations will require individual marketing of real estate for 120 days and, generally, a marketing analysis of certain real estate and real estate-related loans on an individual basis. No alternatives are being considered because the law is specific as to what must be done. No potential costs or benefits are expected from the program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/19/94	59 FR 47790
Interim Final Rule Effective	09/19/94	59 FR 47790
Interim Final Rule Comment Period End	10/19/94	59 FR 47790
Final Action	11/23/94	59 FR 60304
Final Action Effective	12/23/94	59 FR 60304

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Joseph W. Schantz, Asset Specialist, Resolution Trust Corporation, 801 17th Street NW., Washington DC 20434, **202 416-7302**

RIN: 3205-AA22

5033. QUALIFICATION OF, ETHICAL STANDARDS OF CONDUCT FOR, AND RESTRICTIONS ON THE USE OF CONFIDENTIAL INFORMATION BY INDEPENDENT CONTRACTORS

Legal Authority: 12 USC 1441a

CFR Citation: 12 CFR 1606

Legal Deadline: None

Abstract: This regulation establishes the minimum qualifications, ethical

standards of conduct, and the restrictions on the use of confidential information relating to independent contractors who seek or contract to provide services to the Resolution Trust Corporation (RTC) in connection with its management resolution of failing and failed thrift institutions. The RTC is required by Section 501 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) to promulgate regulations applicable to independent contractors

governing conflicts of interest, ethical responsibilities, and the use of confidential information. The original regulations were established in 1989-1990. They are now being revised to correct technical errors and to provide clarification of issues in light of their application.

Timetable:

Action	Date	FR Cite
Final Action	02/14/90	55 FR 5346

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Thomas E. Nixon, Ethics Specialist, Resolution Trust Corporation, 801 17th Street NW., Washington, DC 20434, 202 416-2025
RIN: 3205-AA23
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